

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RILEY JOHANNESSEN, DANIEL C.
BADILLA, JAMES KELLEY, RONALD
KRANS, KEVIN R. WONDERS,
WILLIAM BATES, JAMES PINION,
individually and on
behalf of others similarly situated,

Plaintiffs,

v.

POLARIS INDUSTRIES INC.,

Defendant.

Case No. 0:16-cv-03348-PJS-LIB

**DECLARATION OF NATHAN J.
MARCUSEN IN SUPPORT OF
MOTION TO AMEND THE
PRETRIAL SCHEDULING ORDER
TO SET DEADLINES FOR
CERTIFICATION DISCOVERY
AND MOTIONS AND TO LIMIT
INITIAL DISCOVERY TO
CERTIFICATION ISSUES**

I, Nathan J. Marcusen, declare as follows in accordance with 28 U.S.C. § 1746:

1. I am an attorney at the law firm of Bowman and Brooke LLP and am one of the attorneys for Defendant Polaris Industries Inc. in this case. I am over 18 years of age, am fully competent to make this affidavit, and do so on personal knowledge.

2. Attached as **Exhibit 1** is true and correct copy of an excerpt from the transcript of the February 22, 2017, hearing on Polaris's Rule 12 motion to dismiss.

3. Attached as **Exhibit 2 [confidential, filed under seal]** is a true and correct copy of a spreadsheet regarding the rates of exhaust-heat related claims concerning certain Polaris Sportsman ATVs.

4. Attached as **Exhibit 3 [confidential, filed under seal]** is a true and correct copy of a Heat Management Kit Service Advisory FAQ concerning a service advisory applicable to certain Polaris Sportsman ATVs.

5. Attached as **Exhibit 4 [confidential, filed under seal]** is a true and correct copy of a Safety Bulletin A-17-01 Field Sales & Dealer FAQ concerning a safety bulletin applicable to certain Polaris Sportsman ATVs.

6. Attached as **Exhibit 5 [confidential, filed under seal]** are true and correct copies of letters Polaris sent to the Consumer Product Safety Commission on September 28, 2016.

7. Attached as **Exhibit 6 [confidential, filed under seal]** is a true and correct copy of spreadsheet reflecting the completion rates for certain market actions applicable to certain Polaris Sportsman ATVs.

8. Attached as **Exhibit 7 [confidential, filed under seal]** is a true and correct copy of Technical Service Bulletin No. A-17-01-A.

9. Attached as **Exhibit 8 [confidential, filed under seal]** is a true and correct copy of Technical Service Bulletin No. A-17-01-B.

10. Attached as **Exhibit 9 [confidential, filed under seal]** is a true and correct copy of Technical Service Bulletin No. A-17-01-C.

11. Attached as **Exhibit 10 [confidential, filed under seal]** is a true and correct copy of Technical Service Bulletin No. A-17-01-D.

12. Attached as **Exhibit 11 [confidential, filed under seal]** is a true and correct copy of Technical Service Bulletin No. A-17-01-E.

13. Attached as **Exhibit 12 [confidential, filed under seal]** is a true and correct copy of Service Advisory ASA-17-01A - G.

14. Attached as **Exhibit 13** [*confidential, filed under seal*] is a true and correct copy of Service Advisory ASA-17-01A.

15. Attached as **Exhibit 14** [*confidential, filed under seal*] is a true and correct copy of Service Advisory ASA-17-01B.

16. Attached as **Exhibit 15** [*confidential, filed under seal*] is a true and correct copy of Service Advisory ASA-17-01C.

17. Attached as **Exhibit 16** [*confidential, filed under seal*] is a true and correct copy of Service Advisory ASA-17-01D.

18. Attached as **Exhibit 17** [*confidential, filed under seal*] is a true and correct copy of Service Advisory ASA-17-01E.

19. Attached as **Exhibit 18** [*confidential, filed under seal*] is a true and correct copy of Service Advisory ASA-17-01F.

20. Attached as **Exhibit 19** [*confidential, filed under seal*] is a true and correct copy of Service Advisory ASA-17-01G.

21. Attached as **Exhibit 20** [*confidential, filed under seal*] is a true and correct copy of a spreadsheet indicating whether relevant service advisories or technical service bulletins have been completed on the named plaintiffs' Sportsman ATVs.

22. Attached as **Exhibit 21** is a true and correct copy of Plaintiffs' First Set of Interrogatories.

23. Attached as **Exhibit 22** is a true and correct copy of Plaintiffs' First Requests for Production of Documents.

24. Attached as **Exhibit 23** is a true and correct copy of Plaintiffs' Notice of Taking Deposition.

25. Attached as **Exhibit 24** is a true and correct copy of an October 19, 2017 letter from Mr. Theodore Leopold to Mr. Paul Cereghini.

26. Attached as **Exhibit 25** is a true and correct copy of a November 13, 2017 e-mail from Mr. Douglas McNamara to Ms. Mary Novacheck.

27. Attached as **Exhibit 26** is a true and correct copy of the Pretrial Scheduling Order in *Johnson v. Bobcat Co.*, Case No. 15-cv-2097 (JRT/HB) in the District of Minnesota.

28. Attached as **Exhibit 27** is a true and correct copy of the Second Amended Pretrial Scheduling Order in *Gewecke v. U.S. Bank, N.A.*, Case No. 09-1890 (JRT/LIB) in the District of Minnesota.

29. Attached as **Exhibit 28** is a true and correct copy of a Minute Order in *Cox v. Zurn Pex, Inc.*, No. 07-3652 (ADM/RLE) in the District of Minnesota.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 4, 2017, at Minneapolis, Minnesota.

s/Nathan J. Marcusen

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